

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Gas and Electric Company Annual Earnings Assessment Proceeding (AEAP) for Approval of Energy Efficiency Shareholder Incentives for 2000 Program Year Accomplishments, 2000 Accomplishments for Pre-1998 Programs, Second Claim for Incentives for the 1999 Accomplishments for Pre-1998 Programs, and Third Claim for Incentives for the 1996 Program Year Accomplishments.

Application 01-05-003

And Related Matters.

Application 01-05-009
Application 01-05-017
Application 01-05-018
Application 00-05-002
Application 00-05-003
Application 00-05-004
Application 00-05-005

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling responds to a notice of intent (NOI) to claim compensation filed by Women's Energy Matters (WEM) on November 20, 2001. This ruling addresses the requirements of the Public Utilities Code, Division 1, Part 1, Chapter 9, Article 5, Sections 1081-1804 and our rules for the Intervenor Compensation Program set forth in Decision (D.) 98-04-059.

Under Section 1804(a)(1), “(a) customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation.” Prehearing conferences in this proceeding were held on June 8, 2001, October 23, 2001, and November 20, 2001. WEM’s NOI is timely filed.

Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to D.98-04-059, this ruling must determine whether the intervenor is a customer, as defined in Section 1802(b), whether the NOI includes all information required by Section 1804(a)(2)(A) and, if included in the NOI, address whether the customer has made a showing of significant financial hardship.

Customer Status

WEM states it is a California nonprofit organization intervening in this proceeding on behalf of Ardys De Lu, a California ratepayer. As a California ratepayer, Ardys De Lu is concerned about how this energy efficiency money is being spent and has taken issue with the whole concept of “shareholder incentives,” feeling it is part of the utilities job to promote energy efficiency, and that energy efficiency money should not be taken away from energy efficiency programs and given to shareholders. Ardys De Lu is the only individual ratepayer intervening in this proceeding and would be unrepresented if WEM were not participating as a representative for her.

Ms. Barbara George, WEM’s Executive Director, states she has focused a great deal on energy efficiency and renewables over the years and is quite knowledgeable in these areas to represent Ms. De Lu.

Based on these assertions, I find that WEM, as a representative of Ardys De Lu, meets the definition of a customer eligible to claim compensation under our Intervenor Compensation Program.

Financial Hardship

Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI. Alternatively, the required showing may be made in the request for award of compensation.

WEM is claiming significant financial hardship because Ardys De Lu is currently unemployed, and even when she was employed, could not have afforded to hire WEM to represent her in this proceeding. No financial information for Ardys De Lu is provided.

To establish a showing of significant financial hardship for a representative authorized by a customer, the representative, in this case WEM, must provide the financial information of the customer, in this case Ms. De Lu, that documents that Ms. Lu cannot afford, without undue hardship, to pay the costs of effective participation. The Commission stated in D.98-04-059 that persons seeking compensation from the Commission should provide detailed documentation of their finances similar to that required by the State's civil courts where court filing fees are waived for individuals who attest to their inability to pay the fees. The Commission recognizes the importance of protecting the confidentiality of financial information provided and initiated a procedure and model filing for individual intervenors to obtain a protective order in D.98-04-059.

Without documentation to establish the significant financial hardship of Ms. De Lu, it is not possible at this time to reach a conclusion as to whether the "significant financial hardship" standard has been met. Section 1804(a)(2)(B)

allows this showing to be included with the actual request for compensation and WEM shall need to make this showing in its Request for Compensation.

Planned Participation and Estimated Compensation Request

Section 1804(a)(2)(A)(I) requires the NOI to include a statement of the nature and extent of the customer's planned participation in the proceeding to the extent this can be predicted and Section 1804(a)(2)(A)(ii) requires the NOI to include an itemized estimate of the compensation the customer expects to receive.

WEM states it has participated substantially in this proceeding, submitting testimony, filing data requests, and filing comments, and it intends to continue to participate. WEM states it is addressing pre-1998 programs as well as Program Years 1999 and 2000, focusing on measurement and evaluation, verification, and independent review of program expenditures and efficiency claims.

WEM estimates it may devote the following resources to this proceeding and that the reasonableness of the hourly rates requested will be addressed in its Request for Compensation:

- Barbara George, WEM's Executive Director: 220 hrs.
(proposed rate: \$150/hr.)
- consultant: 300 hrs. (proposed rate: \$125/hr.)
- attorney: 130 hrs. (proposed rate: \$250/hr.)
- estimated expenses for expert witnesses: \$8,000
- estimated direct expenses: \$2,500 (postage, photocopies, etc.)

Total estimated budget: \$113,500

WEM's planned participation and estimated compensation meet our NOI requirements. However, it is important to state that a finding of eligibility to claim compensation in no way assures eligible participants will subsequently

receive awards. The determination of what compensation, if any, eligible participants should be granted will come only when they have filed their Request for Compensation pursuant to Section 1804(c) after the issuance of the final order in this proceeding. That request shall include at a minimum a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding.

Therefore, **IT IS RULED** that:

1. Women's Energy Matters' (WEM) Notice of Intent (NOI) to Claim Compensation, filed as the representative of Ardys De Lu, a California ratepayer, was timely filed.
2. WEM is eligible to claim intervenor compensation in this proceeding by virtue of being a representative authorized by customer Ardys De Lu.
3. WEM has not provided the documentation necessary to establish a showing of significant financial hardship. This showing must be made in its Request for Compensation.
4. WEM's planned participation and estimated compensation meet our NOI requirements. However, it is important to state that a finding of eligibility to claim compensation in no way assures eligible participants will subsequently receive awards. The determination of what compensation, if any, eligible participants should be granted will come only when they have filed their Request for Compensation pursuant to Section 1804(c) after the issuance of the final order in this proceeding. That request shall include at a minimum a

detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding.

Dated December 21, 2001, at San Francisco, California.

/s/ CHRISTINE M. WALWYN

Christine M. Walwyn
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated December 21, 2001, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

A.01-05-003 et al. CMW/tcg

TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.